

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NORMA OLIVER and MATT TOMS,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

FUNAI CORPORATION, INC.

Defendant.

Civil Action No.: 2:14-cv-04531-JLL-JAD

Class Action

**DECLARATION OF JOHN P.
LAVELLE, JR. IN SUPPORT OF
FUNAI CORPORATION, INC.'S
MOTION TO DISMISS**

I, John P. Lavelle, Jr., being of full age, hereby declare as follows:

1. I am a partner in the law firm Morgan, Lewis & Bockius LLP, attorneys of record for Funai Corporation, Inc. ("Funai"), in the above-captioned matter. I have personal knowledge of each statement set forth herein and each such statement is true and correct. This declaration is submitted in support of Defendant Funai's Motion to Dismiss.

2. Attached hereto as Exhibit A is a true and accurate copy of the Owner's Manual for the 32" Magnavox LCD TV Model Number 32MF301B manufactured by Funai. Owner's Manual LCD TV 32 MF301B, Magnavox,
<http://www.magnavox.com/product/download.php?model=32MF301B> (last accessed Sept. 2, 2014) (click "Download" for 32MF301B Owner's Manual).

3. Attached hereto as Exhibit B is a true and accurate copy of the Owner's Manual for the 32" Emerson LCD TV Model Number LC320EM2 manufactured by Funai. Owner's Manual 32" LCD TV LC320EM2, Emerson,
<http://www.funaiport.com/download/download.php?id=879&brand=Emerson> (last accessed Sept. 2, 2014).

4. Attached hereto as Exhibit C is a true and accurate copy of www.ftc.gov/energy, the website referenced in Plaintiffs' Complaint. *See* Compl. ¶ 18, Figure 2; Federal Trade Commission, Consumer Information, www.ftc.gov/energy (last accessed Sept. 3, 2014).

I declare under penalty of perjury under the laws of the State of New Jersey that the foregoing is true and correct. Executed this 3rd day of September 2014 in Princeton, New Jersey.

/s/ John P. Lavelle, Jr.
John P. Lavelle, Jr.